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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

17 Cr. 421 (GHW)

5 ADAM RAISHANI,

6 Defendant.

Conference

7 -----x  
8 New York, New York  
9 October 30, 2017  
4:00 p.m.

10 Before:

11 HON. GREGORY H. WOODS,

12 District Judge

13  
14 APPEARANCES

15 JOON H. KIM  
16 Acting United States Attorney for the  
17 Southern District of New York  
BY: GEORGE TURNER  
Assistant United States Attorney

18 SARAH BAUMGARTEL  
19 Attorney for Defendant  
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1 (Case called)

2 MR. TURNER: Good afternoon, your Honor.

3 George Turner, for the government.

4 THE COURT: Good afternoon.

5 MS. BAUMGARTEL: Good afternoon, Sarah Baumgartel  
6 Federal Defenders, on behalf of Mr. Raishani.

7 THE COURT: Thank you, good afternoon.

8 We are here for a status conference with respect to  
9 this matter. Let me hear where we are.

10 Counsel for the United States.

11 MR. TURNER: Your Honor, the defendant, as the Court  
12 is aware, was arrested in June. He was indicted shortly  
13 thereafter.

14 The government produced discovery on a rolling basis  
15 in August, completing discovery productions in late August.

16 Last time we were before the Court the defense asked  
17 for an additional period to review discovery in anticipation of  
18 potential motions, and the court indicated that it would likely  
19 set a motion schedule and potentially a trial date at today's  
20 proceeding, which we certainly think would make sense, Judge.

21 THE COURT: Thank you very much. Ms. Baumgartel, what  
22 is your position?

23 MS. BAUMGARTEL: Yes, your Honor.

24 I believe that is all correct. I spoke with  
25 government counsel briefly before your Honor came out about a

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1 tentative schedule.

2 Perhaps working from the latest date, we would be  
3 requesting a trial in June 2018, and the purpose in part is  
4 because of defense counsel's trial schedule leading up until  
5 then. I can provide the Court more detail, but I've conferred  
6 with the government. I think that that date is acceptable to  
7 them.

8 THE COURT: Thank you.

9 Could I hear more information. I was going to offer  
10 you a date in late April.

11 MS. BAUMGARTEL: Sure, your Honor.

12 I have actually a trial that was just scheduled, but  
13 the case has been pending for a long time in front of Judge  
14 Ramos, a trial scheduled for April 2, and that is a multi-week  
15 mortgage fraud trial.

16 THE COURT: Thank you.

17 Can I hear from counsel for the United States.

18 How long do you anticipate this trial to last at this  
19 point?

20 MR. TURNER: Your Honor, we did speak about this as  
21 well with defense counsel briefly. With the usual caveat that  
22 of course at this time it is an estimate -- stipulations,  
23 custodians and the like always cause uncertainty -- but we  
24 would think that the government's case would be in the order of  
25 one to two weeks. From our perspective, your Honor, if the

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1 Court had three weeks, obviously depending on the length of any  
2 defense case, we think that three weeks set aside would make  
3 sense here, Judge.

4 THE COURT: Good. Thank you.

5 Ms. Baumgartel, do you agree?

6 MS. BAUMGARTEL: Yes, your Honor.

7 THE COURT: Your proposal, counsel, is that we begin  
8 in June, is that right?

9 MS. BAUMGARTEL: Yes.

10 THE COURT: Thank you.

11 I think that I can accommodate that. Could we begin  
12 then with a trial that would begin on June 11, 2018, at 9 a.m.  
13 here in this courtroom.

14 Would that date and time work for both parties?

15 MR. TURNER: Yes, your Honor.

16 MS. BAUMGARTEL: Yes, your Honor.

17 THE COURT: Good. Thank you.

18 In setting this trial schedule, let me just confirm  
19 with each of you that in setting this trial date you have  
20 reviewed your calendars and do not anticipate that there will  
21 be any conflicts or other issues that might affect your  
22 presentation for the trial on that date and associated pretrial  
23 matters.

24 Is that right, counsel for the United States?

25 MR. TURNER: Yes, your Honor.

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1 THE COURT: Thank you.

2 Counsel?

3 MS. BAUMGARTEL: Yes.

4 THE COURT: Thank you.

5 So we will set the trial to begin on June 11. I  
6 expect for that to be a firm date for trial. Do not expect  
7 that that date will move.

8 Good. So, Ms. Baumgartel, do you have a sense at this  
9 point whether there are any motions that you anticipate  
10 bringing, and, if so, what they might be?

11 MS. BAUMGARTEL: Your Honor, we may file a Rule 12  
12 motion just with respect to some postarrest statements, but I  
13 think that would be the only potential motion which we are  
14 still considering.

15 THE COURT: Thank you. Do you have a sense of the  
16 time in which you will know whether or not the motion will be  
17 warranted.

18 MS. BAUMGARTEL: Your Honor, I was going to ask for a  
19 motion deadline in about 30 to 45 days.

20 THE COURT: Thank you.

21 Counsel for the United States, what is your view?

22 MR. TURNER: We would have no objection to that  
23 schedule, Judge.

24 THE COURT: Thank you. I would be happy to  
25 accommodate that request as well, and I'm happy to accommodate

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1 the outside end of that proposal, approximately 45 days from  
2 now.

3 I will set a specific date as the deadline for  
4 submission of motions in the case when I get back to chambers  
5 and I will establish that by written order.

6 Counsel for the United States, how much time would you  
7 suggest that I provide you for any opposition to the motion?

8 MR. TURNER: Would three weeks be sufficient, your  
9 Honor?

10 THE COURT: Thank you.

11 Counsel for defendant, what is your view?

12 MS. BAUMGARTEL: Your Honor, we have no objection to  
13 that.

14 THE COURT: Thank you. I expect to set a schedule in  
15 which any motion in this case will be due approximately 45 days  
16 from today, any opposition to that motion will be due three  
17 weeks following a submission of the motion, and any reply will  
18 be due one week following service of the opposition. I will  
19 also set a hearing date for any motion in connection with this  
20 trial in that order.

21 Good. So, counsel, please look at my individual rules  
22 for practice in criminal cases. We will have the opportunity  
23 to discuss all of this in the future, but I will include some  
24 requests for additional pretrial submissions in connection with  
25 this case. The principal things that I will ask you for is a

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1 short squib just to read to the venire. I will ask that that  
2 be submitted together with the other pretrial submissions. I  
3 will also ask if the parties can agree about a short summary  
4 description of the law that I could read to the jury after it's  
5 impaneled, but before testimony begins.

6 I will request that you present me with such a short  
7 statement of the law just so that I can give the jury an  
8 overview of what it that they will be thinking about as they  
9 are beginning to hear testimony. I provide it to them with the  
10 caveat that complete charges would be provided to them at the  
11 end of the case.

12 If you can agree on such a thing, it can be helpful I  
13 think to the jury. If you can't agree on such a summary  
14 statement of the law, you can let me know that, and I expect I  
15 would agree to proceed without one.

16 Good. I will issue an order later today or tomorrow  
17 with these deadlines.

18 Is there anything else that we should discuss at this  
19 time?

20 MR. TURNER: Not from the government, your Honor.

21 THE COURT: Thank you.

22 Counsel?

23 MS. BAUMGARTEL: Nothing further from the defendant.

24 THE COURT: Good. Thank you.

25 United States, do you have an application?

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1 MR. TURNER: We do, your Honor. We would request that  
2 the Court exclude time between today's date and at this point  
3 the trial date of June 11, which is the next date on the  
4 calendar.

5 We submit that the requested exclusion would be in the  
6 interest of justice. It would allow the defense to continue  
7 reviewing discovery, to evaluate potential motions and to file  
8 those motions, and also for the parties to engage in potential  
9 discussions of a disposition, Judge.

10 THE COURT: Thank you very much.

11 Counsel, what is your view?

12 MS. BAUMGARTEL: Your Honor, we have no objection to  
13 the exclusion.

14 THE COURT: Thank you very much.

15 I will exclude time from today until June 11, 2018. I  
16 find that the ends of justice served by excluding such time  
17 outweigh the best interest of the public and the defendant in a  
18 speedy trial and because it allows time for the defendant to  
19 consider and prepare any motions, it allows time for both  
20 parties to prepare for trial and time for both of the parties  
21 to potentially negotiate a pretrial disposition of this case.

22 Anything else before we adjourn?

23 Counsel for the United States?

24 MR. TURNER: No, your Honor.

25 THE COURT: Thank you.



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1 Counsel for the defendant?

2 MS. BAUMGARTEL: Before we adjourn, may Mr. Raishani  
3 have a moment just to visit with his family?

4 THE COURT: Thank you. I don't know that I can take a  
5 position on that.

6 THE MARSHAL: No, your Honor.

7 THE COURT: Thank you.

8 No. I'm sorry. I can't accommodate that. I  
9 apologize. I'm sorry, Mr. Raishani.

10 THE DEFENDANT: No problem. Thank you.

11 THE COURT: Thank you very much.

12 This proceeding is adjourned.

13 (Adjourned)  
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